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PRE-APPEAL BRIEF REQUEST FOR REVIEW		2003P01289WOUS	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed in "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number		Filed
	10/574,714		03/05/2007
oneFiled	First Named Inventor		
Signature	Ruediger Eiermann et al		
	Art Unit E		xaminer
Typed or printed name	1711		Jason Paul Rigglemann
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
applicant/inventor.	/Andre Pallapies/		
	Signature		
assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.	Andre Pallapies		
(Form PTO/SB/96)		Typed or printed name	
attorney or agent of record. Registration number		252-672-7927	
	Telephone number		
attorney or agent acting under 37 CFR 1.34.	January 19, 2011		
Registration number if acting under 37 CFR 1.34 62,246		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below:			
*Total of forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CPR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application from the USPTO. Time will vary depending upon the individual cases. Any comments on the amount of time you require to compile this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.D. 6450, Alexander (N. 1900), A. 1900 (A. 1900), A. 1900

REMARKS

Claims 12-22 are pending in the application.

The Claimed Invention

The present invention relates to a drying apparatus, such as a part of a dishwasher, that allows wet washed dishes located in the washing container of the dishwasher to be dried quickly from an economic and hygienic point of view. In an exemplary embodiment, the drying apparatus for drying washed dishes is disposed inside the dishwasher and circulates exclusively the air located in a washing container of the dishwasher.

REQUEST FOR REVIEW

The drying apparatus may be provided with a suction port for introducing the air from the washing container into the drying apparatus, a blow-out port for discharging the air from the drying apparatus into the washing container, a conveying section between the suction port and the blow-out port, and a fan for conveying the air from the suction port to the blow-out port via the conveying section. The conveying section may include a condensing section with at least one wall operable as a condensing surface upon which the humidity contained in the air condenses.

The present invention reduces the air moisture present in the washing container during the drying process by removing the moisture from the air located in the washing container during its passage through the drying device. A dishwasher with a system for drying washed items according to the invention thus has the advantage that both the

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drying time and also the energy expenditure required for drying the washed items is reduced

.The Rejections under 35 U.S.C. § 102(b)

Claims 12-15 and 17-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Deiss et al. (French Patent Publication No. FR2491322). Applicants respectfully traverse this rejection.

The present invention claims a dishwasher including a drying device with features that reduce the air moisture present in the washing container during the drying process by removing the moisture from the air located in the washing container during its passage through the drying device. As part of this, the present invention includes a feature, for example, as recited in claim 13 where "the condensing surface is in heat-conducting contact with an outer wall of the dishwasher."

In this manner, as soon as the air from the washing container is conveyed by the fan through the conveying section of the drying device, the flexible wall of the conveying section constructed as a condensing surface is in contact with the outer wall of the dishwasher. Applicants respectfully refer the Examiner to the description of the condensing surface in the present specification from page 3, line 25 to page 4, line 5. In the present invention, in order to ensure a direct connection between the condensing surface and the outer wall of the dishwasher without an interposed air gap and therefore good heat conduction to the housing of the dishwasher, the condensing surface is preferably made of a flexible material.

The grounds of rejection state that Deiss et al. teach a dishwashing machine 10 having a washing container 11 and a drying device (citing Figure 2). The grounds of rejection state that the Deiss et al. conveying section "is in a sidewall" of the dishwasher (between the outer cabinet and washing tank) (citing the English machine translation). As such, the grounds of rejection conclude that since the condensing surface is not thermally insulated from the outer wall of the dishwasher — it is in "heat-conducting contact". This argument is reinforced in the Advisory Action.

Applicants respectfully submit that MPEP § 2131 provides that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, "[e]very element of the claimed invention must be literally present, arranged as in the claim." Id. In the present case, the grounds of rejection have not established that each element of the claims is disclosed in the cited references. In particular, the term "heat-conducting *contact*" with an outer wall of the dishwasher is not disclosed or suggested by Deiss et al. The interpretation of "heat-conducting contact" as provided in the Office Action is not what one of ordinary skill in the art would have understood at the time of invention as described in the present specification and as shown in the drawings. In the Deiss et al. device, as shown particularly in Figure 2, the

"condensing section" does not contact an outer wall of the dishwasher nor is there disclosure that it does

Further, in the Response to Arguments, the grounds of rejection state that the term heat-conducting contact is broad and vague and does not necessitate a direct physical contact, only that heat is conducted from one element to the other in some way. Even an air gap would conduct heat (absent any thermal insulator); therefore, the rejection is maintained. Applicants respectfully submit that the claim recites that the condensing surface is in heat-conducting contact with an outer wall of the dishwasher, and therefore maintains the prior argument.

Accordingly, Applicants respectfully submit that the present invention distinguishes from Deiss et al.

The Rejections under 35 U.S.C. § 103(a)

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Deiss et al. '322 in view of Deiss et al. (French Patent Publication No. FR2491319). The grounds of rejection acknowledge that Deiss et al. '322 does not teach a "mixing vane" in the interior of the conveying section as recited in claim 16. However, the grounds of rejection state that Deiss et al. '319 teach the use of vanes 28 to provide a tortuous path for the air to increase the contact time in the condensing section to increase the precipitation of the water in the humid air, and that it would have been obvious at the time of the invention to modify Deiss et al. '322 with Deiss et al. '319 to create a means to increase the efficiency of the condenser to achieve the expected result. Applicants

respectfully submit that claim 16 is at least allowable based on its dependency on claim 12, the deficiencies thereof not made up for by Deiss et al. '319.

CONCLUSION

In view of the above, allowance of claims 12-22 is respectfully requested. If there are any questions regarding the remarks herein, kindly contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

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